

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

NIGHT OWL GAMES, LP  
a Texas Limited Partnership  
*Plaintiff,*

V.

ZYNGA INC.,  
a Delaware Corporation  
and  
ZYNGA GAME NETWORK INC.,  
a California corporation  
*Defendants.*

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CAUSE NO. 4:11-cv-04062

**PLAINTIFF'S NOTICE OF DISMISSAL**

COMES NOW, Plaintiff, Night Owl Games, LP, a Texas limited partnership (hereinafter "Night Owl Games"), and file its notice of dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i).

1. Plaintiff is Night Owl Games. Defendants are Zynga, Inc. and Zynga Game Network, Inc.
2. Defendants have not been served with process and have not served an answer or any pleadings.
3. This case is not a class action case.
4. A receiver has not been appointed in this case.
5. This case is not governed by any federal statute that requires a court order for dismissal of the case.
6. Plaintiff has not previously dismissed any federal or state court lawsuit based on or including the same claims as those in this case.
7. This dismissal is without prejudice to refiling.

**Prayer for Relief**

WHEREFORE, PREMISES CONSIDERED, Plaintiff Night Owl Games respectfully requests that this Court grants Plaintiff's Notice of Dismissal, and grant the Plaintiff all other relief it is justly entitled.

Respectfully Submitted,

By: /s/ Stephen A. Barnes  
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TX Bar No. 24066953  
McGEHEE ★ CHANG, BARNES  
Jack E. McGehee TBN 13623700  
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**ORDER**

After considering Plaintiff's notice of dismissal, the Court hereby GRANTS the notice of dismissal and dismisses the above case without prejudice.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
PRESIDING JUDGE

APPROVED AS TO FORM:

/s/ Stephen A. Barnes  
Stephen A. Barnes, MD, JD TBN: 24066953  
Jack E. McGehee TBN 13623700  
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